

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JEFFREY E. STEVENS,

Case No. 3:16-cv-312

Petitioner,

v.

Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

JASON BUNTING, WARDEN
Marion Correctional Institution

Respondent.

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 6) TO THE REPORT
AND RECOMMENDATIONS (DOC. 5); OVERRULING OBJECTIONS (DOC. 9)
TO THE SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 8);
ADOPTING THE REPORT AND RECOMMENDATIONS (DOC. 5) AND
SUPPLEMENTAL REPORT AND RECOMMENDATIONS (DOC. 8) IN THEIR
ENTIRETY; DISMISSING THE PETITION FOR HABEAS CORPUS RELIEF
(DOC. 1) WITH PREJUDICE; AND TERMINATING THIS CASE**

This case is before the Court on the Objections (Docs. 6, 9) filed by Petitioner Jeffrey E. Stevens (“Stevens”) to the Magistrate Judge’s Report and Recommendations (Doc. 5) and Supplemental Report and Recommendations (Doc. 8), – all of which recommend that the Court dismiss with prejudice Stevens’ Petition for Habeas Corpus Relief under 28 U.S.C. § 2254. On August 8, 2016 Stevens filed his Objections (Doc. 6) to the Report and Recommendations (Doc. 5) and on August 29, 2016, Stevens filed his Objections (Doc. 9) to the Supplemental Report and Recommendations (Doc. 8). Respondent, Warden of the Marion Correctional Institution, (the “Warden”) did not file a response to those Objections (Doc. 9) or to the other Objection (Doc. 6) filed by Stevens. As the time for the Warden to file a response to Stevens’ Objections has expired, this matter is ripe for the Court’s review.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has

made a *de novo* review of the record in this case. In response to the Supplemental Report and Recommendations (Doc. 8), Stevens does not assert any new substantive objections to the Magistrate Judge's analysis and conclusions. Upon review, the Court finds that Stevens' Objections (Docs. 6, 9) have no merit, and were adequately addressed by the Magistrate Judge in both the Report and Recommendations (Doc. 5) and Supplemental Report and Recommendations (Doc. 8). As a result, no further analysis is required here.

Stevens' Objections (Docs. 6, 9) are not well taken and are hereby **OVERRULED**. The Court **ADOPTS** the Report and Recommendations (Doc. 5), Supplemental Report and Recommendations (Doc. 8), in their entirety, and rules as follows:

- The Court **DISMISSES WITH PREJUDICE** the Petition for Habeas Corpus Relief under 28 U.S.C. § 2254 (Doc. 1);
- Because reasonable jurists would not disagree with the Court's conclusion, Stevens is **DENIED** a certificate of appealability; and
- The Court **CERTIFIES** to the Sixth Circuit Court of Appeals that any appeal would be objectively frivolous and therefore Stevens should not be permitted to proceed *in forma pauperis*.

DONE and **ORDERED** in Dayton, Ohio.

October 6, 2016

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE